DIVISION'S RESPONSE TO COMMENTS ON DRAFT PERMIT AND CHANGES IN PERMIT IF APPLICABLE

U. S. EPA, Region 4
Air, Pesticides & Toxics Management Division

1. **Comment (1):** a) Does the permit define "affected facility" for which the permittee needs to submit application before construction, reconstruction, alteration, or modification? b) Do the exceptions mentioned in the permit for not requiring application submittal refers to minor modification?

   Response: a) The Division has changed the "affected facility" to "emissions units" which is defined in Regulation 401 KAR 50:035.

   b) No, the exceptions referenced to in the permit do not include minor modifications. Those are exceptions which are not required to be addressed for permitting under Kentucky regulations. Minor modifications/revisions require a submittal of complete permit application pursuant to Regulation 401 KAR 50:035, Section 15.

   The Division has referred to the particular regulation where the exceptions are mentioned. The Division did not reference the specific section of the regulation since that could change in a future version of the regulation.

   Comment (2): Does Regulation 401 KAR 50:035, Section 15, cover if a permit revision is required for changes under an approved economic incentives, marketable emission trading or other similar programs or processes for emission increase that are authorized by allowance acquired pursuant to acid rain program.

   Response: Regulation 401 KAR 50:035, Section 15, clearly specifies that a minor permit revision is not required for any changes which are allowed under acid rain program. The condition in the permit saying "minor permit procedure **may** be used for ... Regulation 401 KAR 50:035" is a copy of our regulation which is actually a copy of 40 CFR 70.6(e)(2)(i)(B). Regulation 401 KAR 50:035, Section 8, provides that no permit revision is required for changes under an approved economic incentives, marketable emission trading or other similar programs or processes.

2. **Comment:** Instead of referring to Kentucky regulation only, the permit would be more clear and enforceable if the requirements are spelled out in Section B, Subsection 2, Emission Limitation condition 2(b) of the permit.

Response: To address this comment, the Division has revised the permit conditions 2(b) in Subsection 2 on page 4 and 7 as follows:
"b) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, emissions shall not exceed 40 percent opacity based on a six-minute average except that a maximum of 60 percent opacity is allowed for a period or aggregate of periods not more than six minutes in any sixty minutes during building a new fire, cleaning the firebox, or blowing soot."

3. **Comment:** It would be helpful if the control equipment associated with a particulate unit were included in the description of the emission unit on the first page of Section B.

Response: The Division agrees with the comment and has revised the permit on pages 4 and 7 as follows:

"Spreader stoker, coal-fired unit equipped with mechanical collectors" on page 4 and
"Spreader stoker with fly-ash reinjection, coal-fired unit equipped with mechanical collectors and electrostatic precipitator" on page 7.

4. **Comment:** CEM data will be used for Continuing Compliance Demonstration Method for emission unit 2, whereas emission estimate using fuel usage rate and fuel analysis will be used for emission unit 1. Why does the requirement differ?

Response: Emission unit 2 is equipped with a CEM under acid rain requirements and the permittee has proposed to use the CEM data to demonstrate compliance with sulfur dioxide emission standard for this unit. However, emission unit 1 is a small unit and is not subject to acid rain requirements. The permittee does not operate this unit on a continuous basis and the unit is not equipped with a CEM since no regulation requires that. Regulation 401 KAR 61:015, Section 6, allows emission estimates based on fuel sampling and usage rate as a method of compliance demonstration. Thus, the requirements for the two units differ.

Comment (1): No operating limits, emission limits, testing and monitoring requirements are listed for emissions unit 05, coal conveying and handling. Condition 5 requires that records of coal received and processed must be maintained. What is the purpose of these records if the limits or requirements stated above do not exist? Is the 200 tons per hour an actual or maximum operating rate for the coal conveyor system?

Response: Regulation 401 KAR 63:010, Fugitive emission applies to the coal conveying and handling emission point. This regulation does not impose any emission limitation or testing requirement. The record keeping requirement required by the permit is to estimate the actual emission from this emission point for emission fee determination. The 200 tons per hour operating rate is the maximum operating rate of the coal conveyor system and is mentioned in the permit for descriptive purposes only.

5. **Comment (Q1):** Section B, Subsection 2, indicates the methods the source may use to demonstrate compliance with sulfur dioxide allowable standard. Direct measurement? - for demonstrating compliance with the PM allowable, are specific test methods being indicated and how often?

Response: Irrelevant comment. This permit has not mentioned any direct measurement procedure in the permit as specified in the comment.

Comment (Q2): Calculation? What is "accepted fuel data"? What emission factor? - AP-42 or emission factors that have been previously approved by the permitting agency? What is allowed for control efficiency? Is any parametric monitoring required to demonstrate that the control equipment is running properly?

Response: The comment about "accepted fuel data" is irrelevant since that term has not been used in this permit. For calculating sulfur dioxide emissions, AP-42 emission factors will be used and the permit will be revised to reflect that. No control efficiency is required since there is no control equipment for sulfur dioxide emission control.

The permittee shall be required to conduct at least two performance tests for particulate for each emissions unit (01 and 02) in the term of the permit to demonstrate compliance with the particulate standards. The permittee may assure continuing compliance with the particulate standard by using opacity data collected by Reference Method 9 (emissions unit 01) and COM (emissions unit 02) as described in the permit. Control efficiency information would not be used for compliance demonstration as was proposed in the draft permit. Thus, no parametric monitoring of control equipments will be required for compliance demonstration with particulate matter standard.

Comment (1): The formulas referenced for calculating the emissions of particulate matter and sulfur dioxide should be included in the permit.

Response: The permit has been revised to address compliance demonstration with particulate matter. The permittee will not required to estimate particulate matter emission through calculation as was proposed in the draft permit to demonstrate compliance. The permittee may assure compliance with particulate standard by stack tests and using the opacity data as required in the permit.

For sulfur dioxide emission estimate, a formula has been added in the permit. The permit has been modified on page 5 as follows:

"1. The permittee may assure compliance with the sulfur dioxide allowable standard by calculating sulfur dioxide emissions using following equation:

Emission (lb/mmBTU) = [AP-42 emission factor (38S lb/ton) / Heating value of fuel from fuel analysis (mmBTU/ton)]"

Comment (2): The permit application indicates PM emission rates are based on a September 1977 test. It would be prudent to base the particulate collection efficiency on a recent test rather a test 20 years ago.

Response: The permittee may assure compliance with particulate standard by stack tests and using the opacity data as required in the permit instead of estimating emission using fuel usage rate, emission factor and control efficiency information. Control efficiency information would not be used for compliance demonstration as was proposed in the draft permit.

Comment (3): Particulate collection efficiency of an ESP is a function of sulfur content of the fuel as well as the amount of ash. What testing and monitoring measures have been included in the permit to ensure that compliance will be maintained as flue gas characteristics are no longer representative of the ESP design parameters.

Response: The permit requires the permittee to conduct two stack tests on the boilers in the term of the permit to demonstrate compliance with the PM allowable standard for indirect heat exchangers. Additionally, the permit requires to operate the process and associated control equipments of indirect heat exchangers such that the opacity of emissions does not exceed the upper limit of the indicator range developed from data collected during stack test. The permit also has a requirement to conduct additional stack tests to demonstrate compliance under certain circumstances as described in the permit.

6. **Comment (1):** Section B, subsection 2, "Continuing Compliance Demonstration Method", condition 2, indicates that COM data can be used as an indicator of continuous compliance with the allowable particulate emission rate. Please clarify.

Response: The DAQ has explained the method how the opacity data will be used as an indicator for compliance demonstration with particulate standard in the permit as follows.
For emissions unit 1 without continuous opacity monitor (On page 4):
"The permittee may assure continuing compliance with the particulate emission standard by operating the affected facility and associated control equipment such that the opacity reading by Reference Method 9 does not exceed the upper limit of the indicator range developed from Reference Method 9 readings during stack tests. If five (5) percent of Reference Method 9 results conducted in a calendar quarter show excursions from the indicator range, the permittee shall contact the Division within thirty (30) days after the end of the quarter to schedule a stack test to demonstrate compliance with the particulate standard while operating at the conditions which resulted in the excursions. The Division may waive this testing requirement upon a demonstration that the cause of the excursions has been corrected, or may require stack tests at any time pursuant to Regulation 401 KAR 50:045, Performance tests."

For emissions unit 2 equipped with continuous opacity monitor (On page 7):
"The permittee may assure continuing compliance with the particulate emission standard by operating the affected facility and associated control equipment such that the opacity does not exceed the upper limit of the indicator range developed from COM data collected during stack tests. If five (5) percent of COM data (based on a three-hour rolling average) recorded in a

calendar quarter show excursions from the indicator range, the permittee shall contact the Division within thirty (30) days after the end of the quarter to schedule a stack test to demonstrate compliance with the particulate standard while operating at the conditions which resulted in the excursions. The Division may waive this testing requirement upon a demonstration that the cause of the excursions has been corrected, or may require stack tests at any time pursuant to Regulation 401 KAR 50:045, Performance tests."

Comment (2): The permit does not mention the frequency of compliance demonstration with particulate matter emission. One stack test in the term of the permit does not appear to establish the parameters that may be used in demonstrating efficiency of the control equipment.

Response: The permittee does not need to establish any parametric monitoring plan for control equipment to use for compliance demonstration with particulate matter standard. The permittee may assure continuing compliance with particulate standard using COM data as described in the permit. However, the Division has revised the permit as follows to include the requirement of conducting at least two stack tests for particulate in the term of this permit.

On page 5 under Subsection 3:
"(a) The permittee shall conduct at least one performance test for particulates within six months following the issuance of this permit. The upper limit of the indicator range shall be developed from the Reference Method 9 readings during the stack tests.

b) If no additional stack tests are performed pursuant to Condition 2. a) above, the permittee shall conduct one performance test for particulate emissions within the third year of the term of this permit to demonstrate compliance with the allowable standard."

On page 8 under Subsection 3:
"(a) The permittee shall conduct at least one performance test for particulates within six months following the issuance of this permit. The upper limit of the indicator range shall be developed from the COM data collected during the stack tests.

b) If no additional stack tests are performed pursuant to Condition 2. a) above, the permittee shall conduct one performance test for particulate emissions within the third year of the term of this permit to demonstrate compliance with the allowable standard."

7. **Comment (1):** Compliance demonstration with opacity by reading the opacity once per month is not adequate. The permittee should perform the necessary demonstration once per day light shift.

Response: The Division agrees and the permit has been modified to include that requirement on page 5 as follows:

" b) When the unit will be in operation, the permittee shall read, weather permitting, the opacity of emissions from the stack using Reference Method 9 once per daylight shift."

8. **Comment (Q1):** Section B, subsection 3. The wording of this condition is not completely clear.

Response: The Division has rephrased the testing requirement to make the condition more understandable. "Upon approval by the Division" wording was included in the permit so that the permittee would submit a protocol for any stack test before actually conducting the test. This requirement has been included in the permit by adding the following general condition on page 24 of the permit.

"20. Pursuant to Section VII 2(1) of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test."

Comment (1): One particulate test in 5 years does not appear to be sufficient to demonstrate compliance. Since it appears that the efficiency of the control equipment is a factor in the source's compliance demonstration; it may be required to perform an initial performance test to establish a parameter to be monitored to assure achieving proper control efficiency. It may also be necessary to require the source to perform subsequent tests on an annual basis.

Response: The permit has been revised in such that the control efficiency will not be used in demonstrating compliance with particulate matter standard. Thus, the permittee does not need to establish any parametric monitoring plan for control equipment from stack test data to assure that the control equipment is operating at a certain control efficiency or better required to achieve compliance. The permittee may assure continuing compliance with particulate standard using opacity data as described in the permit. However, the Division has revised the permit as described before to include the requirement of conducting at least two stack tests for particulate in the term of this permit.

9. **Comment:** Section B, subsection 4, condition 4(a) requires sampling and analysis of the fuel to be burned, but it is not clear if this means daily testing or batch testing or some other type of testing. The sulfur dioxide emission limit indicated in Section B, subsection 2, condition (c), requires data on a 24 hour basis; coal samples would need to be taken in real time in order to comply with the "24 hour average" requirement. Is coal analysis necessary for emission unit 02 when the CEM data requirements for acid rain collect the information on a real time basis. Please clarify.

Response: The sampling and testing procedure varies from source to source. This facility collects sample of coal from each truck entering the facility which are gathered in a drum. At the end of a week, the collected coal samples are mixed and a sample is collected from the drum and is sent for analysis. The emissions unit (emissions unit 01) which uses this coal analysis information for demonstrating compliance with sulfur dioxide standard is a small unit and operates under thirty percent of the time. Thus, the Division finds daily sampling of coal

and a weekly analysis of composite coal sample may be used to demonstrate compliance with the sulfur dioxide standard. The Division has revised the permit to make this requirement more clear.

10. **Comment:** Applicability of NSPS can not be determined since no construction dates are given in the permit or any background information.

    Response: The Division will add the constructed on or before date for each emissions unit in the statement of basis as well as in the permit. The Division will also address the non-applicability of NSPS or any other potentially applicable regulations in the statement of basis.

11. **Comment:** Part 70 requires the permitting authority to provide EPA and any other person who requests it, a statement basis that sets forth the legal and factual basis for the permit conditions. A statement of basis was not included in the permit review package submitted to EPA for review.

    Response: 40 CFR Part 70 does not require that a statement of basis be submitted to EPA for each Title V permit. However, the Division will include a statement of basis with the proposed permit for this facility.

12. **Comment:** The comment has been withdrawn by EPA.
    Response: No response is required.

13. **Comment:** Section C: Insignificant activities for Kentucky Power's Big Sandy Plant contained 21 activities which were considered insignificant and this permit lists only 4. The permits should be consistent among the various utilities.

    Response: The Division does not agree with is statement. The list of insignificant activities can not be consistent among various utilities. Number of insignificant activities may vary company to company depending on the size of the sources and how the permit application was submitted.

14. **Comment:** Section G - General Conditions, (d) Acid Rain Program Requirements: Condition 3 should be deleted.

    Response: The Division agrees with the comment and the above mentioned general condition has been deleted from the permit.

Office of Air Management
Indiana Department of Environmental Management

1. **Comment:** The Division has proposed monthly opacity reading by Reference Method 9 for emissions unit 01 (boiler unit 5) which should be changed to daily reading.

   Response: The Division agrees with the comment and the permit has been modified to include that requirement in the permit.

2. **Comment:** The Division has proposed one stack test for particulates in 5 years. The preferred frequency of stack test should be one every two years. Additionally, no monitoring requirement of surrogate operating parameters of control equipment has been included to assure proper operation of control equipment. We feel that is to be an essential element for assuring continuous compliance.

   Response: The Division agrees with the comment on the frequency of the stack test and the permit has been modified to include the requirements to conduct at least two stack tests in the term of this permit. Additionally, the Division revised the permit such that the opacity data can be used as an indicator for demonstrating compliance with particulate matter standard on a continuing basis. Thus, no monitoring requirements of surrogate operating parameters of control equipment has been included in the permit to assure that the control equipment is operating at a certain control efficiency or better required to achieve compliance.

3. **Comment:** For continuing compliance demonstration, what is the value of calculating particulates emission by using emission factor which remains the same all the time since ash content is not part of the emission factor.

   Response: The Division agrees with the comment and the compliance demonstration method with particulates standard has been revised in the permit. The permittee may assure compliance with particulates standard using stack test information for particulates and using opacity data as an indicator as described in the permit.

4. **Comment:** The estimated potential emission of PM_{10} on page 5 of 5 in the application does not match my estimation.

   Response: The two estimations differ because the applicant has used the actual hours of operation of the unit in 1994. Estimation of PM_{10} based on continuous operation (8760 hours per year) would result in a different number. However, the Division has calculated the potential of emission of each pollutant and those numbers are included in the Permit Application Summary Form.

Henderson Municipal Power & Light
Henderson, Kentucky

1. **Comment:** In the description of both emissions sources, number two fuel oil is listed as the startup and flame stabilization fuel. There is no stabilization fuel used on these boilers and the main startup fuel is wood. About 20 gallons of fuel oil per startup is used to assist in initially igniting the wood.

   Response: The Division has changed the permit to reflect the correct startup fuel.

2. **Comment:** Under the heading Emission Limitations, again on both emission sources, the allowed opacity during the time needed to build a new fire is shown as 60% for a maximum of six (6) minutes. The applicable statute, KRS 61:015, exempts the total time needed to bring the boiler up to operating condition from opacity limitations. The specific wording for this variance can be found in Section 4, paragraph 3(c) of the statute.

   Response: The Division agrees with the permittee that Regulation 401 KAR 61:015 does not limit the time needed for building a new fire to six minutes. The regulation requires that the time needed to build a new fire shall not exceed the manufacturer's recommendations. Thus, the Division has revised the permit such that the opacity exceedance over forty percent is not limited to six minutes during building a new fire.

3. **Comment:** Emission source 01, Unit #5, is not equipped with a CEM system. Fuel sampling and analysis will be used to monitor compliance with the allowable SO_2 standard. I had asked Ashiq if it was permitted to sample the fuel on a daily basis, combine the samples, and run an analysis on the composite sample once a week as opposed to running seven separate analyses. I have not yet received a definitive answer to this question. Please respond.

   Response: The Division agrees with the proposed coal sampling and analysis frequency. Data from this analysis will be used for compliance demonstration only for emissions unit 1 (unit 5) which is a small unit and the unit is operated usually for less than thirty percent of time. The permittee will use CEM for compliance demonstration with sulfur dioxide emission standard for emissions unit 2 (unit 6). Thus, the Division has revised the permit to include the sampling and analysis frequency in the permit for emissions unit 1 and has taken out the option of compliance demonstration through coal sampling and analysis for emissions unit 2.

4. **Comment:** On emission source 02, Unit #6, SO_2 emissions are limited to 6.0 lbs/MMBTU based on a twenty-four (24) hour average. Please confirm that this is a calendar day average and not a rolling average.

   Response: The Division agrees with the permittee that the sulfur dioxide standard for both the emissions units is based on twenty four hour block average; not based on twenty four hour rolling average.

5. **Comment:** After the initial stack test for particulate is conducted on emission source 02, an upper indicator range must be developed and COM data maintained on a three (3) hour rolling average basis. Does this three hour rolling average use a one hour drop off with a new average shown once each hour, or is the drop off each six minutes? I will need this information to be able to configure the COM software.

   Response: The three hour rolling average will be based on one hour drop off instead of six minutes drop off. The Division feels that this approach will satisfy the periodic monitoring requirements for particulate matter since the particulate matter standard is based on three hour average and compliance with that standard is demonstrated by Reference Method 5 which is based on three one-hour runs.

6. **Comment:** In addition to KRS 61:015, both of these emissions sources are subject to Kentucky Regulation No. 7. I do not have a copy of this regulation. I am again requesting that the Division please supply me with copy of this regulation.

   Response: The Division has faxed the permittee a copy of the Regulation 7 on May 7, 1998 to the attention of Mr. Kenneth J. Konkol.

ADDITIONAL CHANGES TO THE DRAFT PERMIT

The Division has made the following changes to the draft permit to make the permit more understandable and practically enforceable.

1. The Division has added the “Application Complete Date” and “AFS Plant ID #” on the cover page of the permit and FINDS Number has been taken out from the cover page.

2. In Table of Contents on page 2, Section H and Section I have been added.

3. The title of the Section E has been revised to “SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS.”

4. The words “administratively and technically” have been removed from the first sentence in SECTION A - PERMIT AUTHORIZATION.

5. Section A- Permit Authorization has been revised to reflect that this is a proposed Title V permit and will become a final permit unless the U. S. EPA files an objection. Also a statement has been added to clarify that this permit does not shield the permittee from enforcement action if a violation is documented through other credible evidence.

6. “Affected Facilities” has been changed to “Emissions Units” in all places of the permit except where “Affected Facilities” is mentioned under acid rain requirement.

7. Applicability Requirements of an applicable regulation has been included with the description of applicable regulation on page 4 and 7 as follows:

   “Regulation 401 KAR 61:015, Existing indirect heat exchangers applicable for an emission unit less than 250 MMBTU and commenced before April 9, 1972" on page 4.

   “Regulation 401 KAR 61:015, Existing indirect heat exchangers applicable for an emission unit more than 250 MMBTU and commenced before August 17, 1971" on page 7.

8. Compliance certification requirements (Subsection 11) has been added for emissions units 03 and 04 on pages 11 and 13 as follows:
   “See Section F."

9. ‘Compliance Demonstration Method’ from Subsection 1 and 2 for all Emissions Units in Section B has been taken out and some suggested methods of compliance demonstration with applicable standards has been added right after the limitations.

10. The following record keeping requirements has been added on page 6 and 8.

    On Page 6:
    " b) The permittee shall maintain records of the Reference Method 9 results, the number of excursions above the indicator range, time and date of excursions, opacity value of the excursions, and percentage of the opacity readings showing excursions from the indicator range in each calendar quarter."

    On Page 8:
    "b) The permittee shall maintain records of the COM data on a three-hour rolling average basis, the number of excursions above the indicator range, time and date of excursions, opacity value of the excursions, and percentage of the COM data showing excursions from the indicator range in each calendar quarter."

11. The following reporting requirements has been added on page 6 and 8 as a part on continuing compliance demonstration with particulate standard.

    On Page 6:
    "The permittee shall report the number of excursions above the indicator range, date and time of excursions, opacity value of the excursions, and percentage of the opacity readings showing excursions from the indicator range in each calendar quarter."

    On Page 9:
    "The permittee shall report the number of excursions above the indicator range, date and time of excursions, opacity value of the excursions, and percentage of the COM data showing excursions from the indicator range in each calendar quarter."

12. The statement about the insignificant activities in SECTION C - INSIGNIFICANT ACTIVITIES has been revised as follows: "The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant, the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary."

13. Section - D, Condition 2 has been taken out from the permit since there is no emission cap on any pollutant or operating cap to prevent the source becoming subject to any applicable requirement.

14. Section - E, Condition 2 has been taken out from the permit since that requirement is included in the permit as a General Condition, Section- G(a)(17).

15. Section- F, Condition 2 on page 19 has been revised as follows to include the flexibility of storing records in other places including the plant.

"2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality."

16. The Condition 5 in Section F has been revised as follows:

"5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Division's Owensboro Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3. All reports shall be certified by a responsible official pursuant to Section 6 (1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports."

17. Section- F, Condition 6 on page 20 has been revised as follows to define the promptly as required by 40 CFR Part 70.6(a)(3)(iii)(B).

"6. a) In accordance with the provisions of Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Owensboro Regional Office concerning startups, shutdowns, or malfunctions as follows:

i) When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.

ii) When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.

b) In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions to the Division for Air Quality's Owensboro Regional Office. Prompt reporting shall be defined as quarterly for any deviation related to emission standards (other than emission exceedances covered by general condition 6(a) above) and semi-annually for all other deviations from the permit requirements if not otherwise specified in the permit."

18. The Condition 7(e) in Section F has been deleted from the permit.

19. The Condition 8 in Section F has been revised as follows:

    "8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee."

20. Condition 9 in Section F has been added to include the requirement that the permittee has to submit performance test reports to the Division.

    "9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork."

21. Section - G, General Condition (a)(5) of draft permit on page 22 has been taken out from the permit and all the conditions following that condition has been renumbered.

22. Section - G, General Condition (a)(14) on page 23 has been rephrased as follows:

    "15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the emissions units listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit."

23. Section - G, General Condition (a)(16) of draft permit on page 23 has been taken out from the permit since all exceedances are enforceable and inclusion of this historical US EPA enforcement policy can not shield the permittee from an enforcement action.

24. The Division has rephrased the General Condition (a)(17) of draft permit on page 23 and has included General Conditions (a)(15) and (a)(16) in the proposed permit on page 23 and 24 as follows to make the requirement more clear.

    "15. The permittee may conduct test burns of materials other than those listed in the permit without a construction permit or a reopening of this permit provided that:
    a) Notification is provided to the Division at least 30 days prior to initiation of the test burning of the fuel;
    b) The source complies with all applicable regulations and emission limitations;
    c) The permittee agrees to perform such additional testing as may be required by the Division;

    16. The permanent burning of any material (addressed in condition 15) shall be allowed upon completion of testing provided that:

a) The Division determines that a permit is not required. Such determination shall be made within sixty (60) days of the application receipt along with the test results;
b) The permittee keeps records of date and time of burn;
c) The permittee keeps records of analysis and feed rate of material;
d) Burning any of those materials shall not be subject to any applicable regulation and the source shall comply with all applicable regulation and emission limitations."

25. A condition #20 has been added to Section G, General Conditions item (a) General Compliance Requirements to null all previous permits as follows.

"20. All previously issued construction and operating permits are hereby null and void."

26. The Division has revised the General Condition (f)(1) on page 26 as follows:

"1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:

a) Submit a Risk Management Plan to the U. S. EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a latter date specified by the U.S. EPA.

b) Submit additional relevant information if requested by the Division or the U.S. EPA."

27. The Division has included "Section H: Alternate Operating Scenario" on page 27 and "Section I: Compliance Schedule" on page 28 in the proposed permit.